

Message Text

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22-11

ACTION IO-03

INFO OCT-01 SS-14 ISO-00 ARA-06 NEA-07 EUR-08 EA-06 NSC-05

NSCE-00 PM-03 ACDA-10 INR-05 CIAE-00 DODE-00 PRS-01

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FM USMISSION USUN NY

TO SECSTATE WASHDC 3764

INFO AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY SAN JOSE

AMEMBASSY SEOUL

AMEMBASSY THE HAGUE

AMEMBASSY TOKYO

AMEMBASSY WELLINGTON

C O N F I D E N T I A L USUN 5761

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, UNGA, KS, KN

SUBJ: 30TH UNGA: KOREA AND INUTILITY OF IMPORTANT
QUESTION TACTIC

REF: USUN 5669, PARAGRAPH 5 (NOTAL)

1. VOTE COUNT PREPARED BY USUN ON IMPORTANT QUESTION RULING
ASSUMES THAT FRIENDLY SIDE WOULD HAVE ENGAGED IN A WORLD-WIDE
CAMPAIGN TO SUSTAIN AS AGAINST A HOSTILE CHALLENGE A RULING BY
THE GA PRESIDENT THORN THAT BOTH THE FRIENDLY AND HOSTILE
RESOLUTIONS ON KOREA, WHICH CONTAIN RECOMMENDATIONS RELATING TO
THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY,
CONSTITUTE "IMPORTANT QUESTIONS" IN A TECHNICAL SENSE
AND THUS, UNDER ARTICLE 18(2), WOULD REQUIRE 2/3 VOTE FOR
ADOPTION.

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2. OUR VOTE COUNT FURTHER ASSUMES THAT THE HOSTILE SIDE WILL CHALLENGE THIS RULING INsofar AS IT APPLIES TO THE HOSTILE RESOLUTIONS. THE VOTE ESTIMATE WE HAVE DATAFAXED TO THE DEPARTMENT SHOWS THAT THIS CHALLENGE WOULD WIN 52 TO SUSTAIN THE PRESIDENT, 54 TO OVERRULE, WITH ABOUT 36 ABSENTIONS.

3. APART FROM THE VOTE ESTIMATE, WHICH INVOLVES EXTRAPOLATIONS AND GUESSES, THERE IS A FATAL FLAW IN TRYING TO USE THE IMPORTANT QUESTION TACTIC TO DEFEAT THE HOSTILE RESOLUTION. PRESIDENT THORN COULD OF COURSE BE EXPECTED TO RULE THAT THE 2/3 REQUIREMENT APPLIES TO BOTH RESOLUTIONS SINCE THIS CONCLUSION IS THE ONLY ONE THAT CAN BE SUSTAINED BY A FAIR READING OF THE CHARTER, BECAUSE HE WILL BE SO ADVISED BY THE UN LEGAL COUNSEL AND BECAUSE OF THORN'S ESSENTIAL INTEGRITY. HOWEVER, WE CANNOT CONTROL THE CHARACTER OF THE CHALLENGE WHICH THE HOSTILE GROUP WOULD PUT TO SUCH A RULING. ON THE CONTRARY, WE CONSIDER IT PROBABLE THAT THE HOSTILE GROUP WOULD LIMIT ITS CHALLENGE TO THE APPLICATION OF THE THORN RULING TO THE HOSTILE RESOLUTION; THE HOSTILE GROUP HAS NO REASON WHATEVER TO CHALLENGE THE THORN RULING AS TO THE FRIENDLY RESOLUTION, WHICH WOULD BE VOTED ON FIRST. CONSEQUENTLY, WE FACE THE DANGER THAT THE THORN RULING WOULD OPERATE TO PREVENT THE ADOPTION OF THE FRIENDLY RESOLUTION BUT BE OVERTURNED IN RELATION TO THE HOSTILE TEXT. FOR THESE REASONS THE ONLY POSSIBLE UTILITY OF THE IMPORTANT QUESTION TACTIC WOULD BE A SITUATION WHERE CHINA, THE USSR AND ALGERIA AGREED TO ACQUIESCE IN A THORN RULING. AS REPORTED ELSEWHERE, THERE IS NO BASIS FOR ENTERTAINING HOPES IN THIS RESPECT. CHINESE RECOLLECTIONS OF THE USE TO WHICH THE US PUT THE IMPORTANT QUESTION TACTIC FOR SO MANY YEARS WOULD ALONE APPEAR TO RULE OUT ANY POSSIBILITY OF CHINESE AGREEMENT.

4. OUR CORE GROUP MET 5 NOVEMBER AT ROK MISSION AND GENERALLY AGREED WITH THE FOREGOING. IT WAS ALSO AGREED THAT AN EC-9 AMBASSADOR SHOULD SEE THORN TO LEARN WHETHER HE INTENDS TO MAKE A 2/3 RULING.

5. MEANWHILE FRENCH ARE SEEKING A SUITABLE OPPORTUNITY TO CHECK ALGERIAN VIEW ON 2/3 QUESTION.

MOYNIHAN
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